

Jackson County Animal Control

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Kimberlee Luce
Director

May 22, 2007

The Honorable Representative Condino
NO799 House Office Building
P. O Box 30014
Lansing , MI 48909-7414

Dear representative Condino;

Since late march, the Jackson County Animal Control has been involved in investigating a case of neglect involving 69 horses. Since our small office is stretched thin providing care to the surviving horse while the case is prosecuted, I am unable to send a representative to your committee hearing to support HB 4551 and HB 4552. I have attached a news article about this case.

If these bills were in effect now, this case and the many others like it, could be more fairly prosecuted. People who hurt large numbers of animals by neglecting their basic needs for water, food, shelter, veterinary care, should be appropriately punished.

Sincerely,



Kimberlee Luce, Director
Jackson County Animal Control

cc: Rep. Espinoza and Rep. Byrnes



Owner: My horses were treated well

Wednesday, May 02, 2007

By Kristin Longley

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The owner of the 69 horses impounded on a Grass Lake Township farm says all the animals were being treated well before they were seized.

James Henderson Jr. said the winter's harsh weather and delayed spring cleaning combined to create conditions found by Jackson County Animal Control in March.

Henderson and Matthew Mercier, the farm's manager, each have been charged with animal neglect, a 93-day misdemeanor. A pretrial conference was scheduled for 1 p.m. today in District Court.

"My main concern has been the welfare of these horses," Henderson said.

Animal Control Director Kimberlee Luce declined to comment Tuesday on Henderson's statements.

Henderson said he has not visited the farm in a long time, but Mercier has said he had cared adequately for the horses.

"My horses all have champion bloodlines," Henderson said. "Am I going to neglect them? No."

Animal Control impounded the horses in March after complaints that the horses were running off the property. Veterinarians with the state Department of Agriculture and a veterinarian hired by the county said about 12 of the horses ranged from emaciated to very thin. They also said all the horses needed hoof care and likely suffered from parasitism.

Nails, bale wrappings and other trash found in pasture areas presented "imminent danger" to the horses, one report said. A dead full-term foal also was found in the pasture.

Dr. Robert Sray, a Tompkins Township veterinarian used by the farm, said in a March report that most of the horses were in fair to good condition and looked typical of animals who have wintered in Michigan.

Dr. James Irving of Homer said he has cared for some of the horses for about four years. He said Mercier had made veterinary appointments for the injured horses for a date shortly after the farm was seized, but the appointments were canceled due to the legal battle.

"The horses I had seen were their racing horses. They were in good shape," Irving said. "I was surprised to hear this was going on."

Henderson said two of the emaciated mares are old and have trouble keeping weight on. Another 4-year-old mare was emaciated because she was sick and almost died, he said.

"They were getting treatment," he said. "It takes time to put weight on."

As for the trash on the property -- which Henderson said he has leased "for a very long time" -- the farm's crew would have cleaned it up during the annual spring cleaning.

"Does it look bad? Yeah," Henderson said. "But it's not going to hurt the horses."

Laura Steenrod, a horse farm owner and Leelanau Horse Rescue volunteer, agrees with state veterinarians, who say the condition of the property was dangerous.

"I don't think that exposed nails and exposed metal and the abundance of trash that the horses were in with is a commonly accepted practice for people who run a horse operation," she said.

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Law dealing with animals 'pretty weak'

Sunday, April 08, 2007

By Kristin Longley

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To some people, they're romantic -- giant beasts that can be tamed with a gentle hand. For others, it's their speed.

There are many reasons why people love horses.

That's why when 69 malnourished horses were impounded on a Grass Lake Township farm last month, some were surprised to learn the farm's co-owners were charged with one count each of animal neglect, a 93-day misdemeanor. They await a May 2 pretrial hearing.

Some say the charges are "ridiculous," that prosecutors are letting off the owners too easily. Others say the single counts are evidence of the owners' innocence.

But according to prosecutors and experts, both groups are mistaken.

Michigan law states animal neglect sentences must be served concurrently. A person convicted of 10 counts of animal neglect, for example, will still serve no more than 93 days in jail.

And there is no middle ground between simple neglect, a misdemeanor, and intentionally torturing or killing an animal, both felonies.

"In reality, the law is just not strong enough," said Dr. Randy Lockwood, an expert in animal neglect laws for the American Society for the Prevention of Cruelty to Animals. "The prosecutors are doing the best they can with what they have."

The Michigan animal neglect law is "pretty weak" compared with other states, said Lockwood, senior vice president of anti-cruelty initiatives and legislative services for the ASPCA.

Simple neglect in Maryland, for example, becomes a felony if it leads to injury, permanent disability or death. In California, an offender can be fined up to \$20,000 for serious neglect.

The same person would pay no more than \$500 in Michigan.

While it is common in many states for simple neglect to start as a misdemeanor, some allow sentences to be served one after the other in more serious cases.

"The laws do need to be strengthened," said Brighton area attorney M. Jean Ligon, who has served on an animal law committee for the state prosecutors association. "It's very difficult to get a conviction that has much teeth in it for people who commit animal neglect."

Mark Blumer, Jackson County's chief assistant prosecutor, said charging Matthew Mercier and James Henderson Jr. with 69 counts of neglect would only overwhelm the court system.

Investigators likely would have to gather blood and fecal samples, physical exams and written reports on each horse. That's a huge task for a 93-day sentence and no guaranteed conviction, he said.

"It would be extra work with no apparent purpose," he said. "It doesn't mean we're not taking the case seriously."

Two Democrat-sponsored bills designed to change neglect laws were introduced March 29 in the state House. One would make the neglect of 10 or more animals a felony, and the other would allow for consecutive sentences in neglect cases.

They have both been referred to the Judiciary Committee.

State Sen. Randy Richardville, a Republican who represents Grass Lake Township, said he would like to work with other legislators to come up with a neglect law that "makes more sense."

"I don't want Michigan's policy regarding cases like this to be simply run-of-the-mill," Richardville said. "This is extremely concerning that something like this can happen."

The owners' lawyer, Dennis Hurst, disagrees with county Animal Control and state reports that claim the animals suffered from "obvious neglect."

The farm's veterinarian, Dr. Robert Sray, visited the property a couple days before the state and found that most of the horses were in fair to good condition.

Sray's report says that is not uncommon considering the advanced age of some of the horses and the area's harsh winter.

"This is not abuse or abandonment," Hurst said. "This animal expert says the horses were in fine condition. That must make some people wonder why this claim is being made."

And the owners's supporters — mainly those in the barrel horse racing industry and those who do business with the farm — have started a heated discussion on www.barrelhorseworld.com. They say the Turn-3 Ranch turned out fine horses and the owners are "gentlemen."

Michigan law lets local prosecutors begin forfeiture proceedings while a case is still pending if animals are in danger.

A judge will determine May 2 whether Henderson and Mercier will keep the horses.

"It's in the public's interest to put the horses in a place they will be properly cared for," said Jennifer Lamp, Jackson County assistant prosecutor.

"We don't want them to continue to have the animals if they're not providing adequate care."

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